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HOUSE BILL 17

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

TED HOBBS

AN ACT

RELATING TO ALCOHOL; AUTHORIZING LOCAL OPTION ELECTIONS
REGARDING THE SALE OF ALCOHOLIC BEVERAGES FROM DRIVE-UP WINDOWS;
AMENDING A SECTION OF THE LIQUOR CONTROL ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-7A-1 NMSA 1978 (being Laws 1981,
Chapter 39, Section 47, as amended) is amended to read:

"60-7A-1. HOURS AND DAYS OF BUSINESS--SUNDAY SALES--DRIVE-
UP WINDOW SALES--CHRISTMAS DAY SALES--SUNDAY SALES FOR
CONSUMPTION OFF THE LICENSED PREMISES--ELECTIONS.--

A. Alcoholic beverages shall be sold, served and
consumed on licensed premises only during the following hours
and days:

- (1) on Mondays from 7:00 a.m. until midnight;
- (2) on other weekdays from after midnight of

1 the previous day until 2:00 a.m., then from 7:00 a.m. until
2 midnight, except as provided in Subsections D, E and H of this
3 section; and

4 (3) on Sundays only after midnight of the
5 previous day until 2:00 a.m., except as provided in Subsections
6 C and F of this section; provided, however, nothing in this
7 section shall prohibit the consumption at any time of alcoholic
8 beverages in guest rooms of hotels.

9 B. Alcoholic beverages shall be sold by a dispenser
10 or a retailer in unbroken packages, for consumption off the
11 licensed premises and not for resale, on Mondays through
12 Saturdays from 7:00 a.m. until 12:00 a.m. on the following day,
13 except as provided in Subsections D, E and H of this section.

14 C. Subject to the provisions of Subsections F and I
15 of this section, a dispenser, restaurant licensee or club may,
16 upon payment of an additional fee of one hundred dollars (\$100),
17 obtain a permit to sell, serve or permit the consumption of
18 alcoholic beverages by the drink on the licensed premises on
19 Sundays from 12:00 noon until midnight and in those years when
20 December 31 falls on a Sunday, from 12:00 noon until 2:00 a.m.
21 of the following day, except as otherwise provided in Subsection
22 F of this section. The permit shall expire on June 30 of each
23 year and may be renewed from year to year upon application for
24 renewal and payment of the required fee. The permit fee shall
25 not be prorated. Sales made pursuant to this subsection or

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1 Subsection I of this section shall be called "Sunday sales".

2 D. Retailers, dispensers, canopy licensees,
3 restaurant licensees, club licensees and governmental licensees
4 or its lessees shall not sell, serve, deliver or allow the
5 consumption of alcoholic beverages on the licensed premises
6 during voting hours on the days of the primary election, general
7 election, elections for officers of a municipality or any other
8 election as prescribed by the rules and regulations of the
9 director.

10 E. Retailers, dispensers, canopy licensees that were
11 replaced by dispenser's licensees pursuant to Section 60-6B-16
12 NMSA 1978, restaurant licensees, club licensees and governmental
13 licensees or its lessees shall not sell, serve, deliver or allow
14 the consumption of alcoholic beverages on the licensed premises
15 from 2:00 a.m. on Christmas day until 7:00 a.m. on the day after
16 Christmas, except as permitted pursuant to Subsection H of this
17 section.

18 F. At the 1984 general election, the secretary of
19 state shall order placed on the ballot in each local option
20 district the question "Shall Sunday sales of alcoholic beverages
21 by the drink for consumption on the licensed premises of
22 licensees be allowed in this local option district?". If the
23 secretary of state determines a need, he may authorize the use
24 of paper ballots for the purpose of the election provided for
25 pursuant to this subsection. Until such election, Sunday sales

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1 shall be permitted on the same basis in any local option
2 district as provided under any former act, and the election held
3 at the first general election following the effective date of
4 the Liquor Control Act shall have no effect on whether Sunday
5 sales are permitted in any local option district. If the
6 question is disapproved by a majority of those voting upon the
7 question in the local option district, Sunday sales shall be
8 unlawful in that local option district upon certification of the
9 election returns, and the question shall not again be placed on
10 the ballot in that local option district until:

11 (1) at least one year has passed; and

12 (2) a petition is filed with the local
13 governing body bearing the signatures of registered qualified
14 electors of the local option district equal in number to ten
15 percent of the number of votes cast and counted in the local
16 option district for governor in the last preceding general
17 election in which a governor was elected. The signatures on the
18 petition shall be verified by the clerk of the county in which
19 the local option district is situated.

20 G. The local governing body of a local option
21 district [~~in an eligible county~~] shall:

22 (1) adopt a resolution within [~~sixty~~] ninety
23 days of [~~April 7, 1989~~] July 1, 1997 calling for an election to
24 place on the ballot the question "Shall a retailer or dispenser
25 be allowed to sell or deliver alcoholic beverages at any time

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1 from a drive-up window?";

2 (2) arrange for the election to be held [~~within~~
3 ~~sixty days after the date the resolution is adopted~~] in
4 conjunction with the next regular election of the governing body
5 or the next statewide general election following adoption of the
6 resolution; and

7 (3) ensure that the election is called,
8 conducted, counted and canvassed in the manner provided by law
9 for elections within the county.

10 [~~As used in this subsection, "eligible county" means any~~
11 ~~county that, according to motor vehicle statistics reported to~~
12 ~~the state highway and transportation department during the years~~
13 ~~1985 and 1986, convicted more than twenty-five persons for each~~
14 ~~one thousand licensed drivers of driving while intoxicated~~
15 ~~offenses.~~]

16 H. On and after July 1, 1989, dispensers, canopy
17 licensees that were replaced by dispenser's licensees pursuant
18 to Section 60-6B-16 NMSA 1978, restaurant licensees, club
19 licensees and governmental licensees or lessees of these
20 licensees may sell, serve or allow the consumption of beer and
21 wine with meals on licensed premises from noon until 10:00 p.m.
22 on Christmas day, except in a local option district in which,
23 pursuant to petition and election under this subsection, a
24 majority of the voters voting on the question votes against
25 continuing such sales or consumption on Christmas day. An

. 113095. 2

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1 election shall be held on the question of whether to continue to
2 allow the sale, service or consumption of beer and wine with
3 meals on licensed premises from noon until 10:00 p.m. on
4 Christmas day in a local option district, if a petition
5 requesting the governing body of that district to call the
6 election is signed by at least ten percent of the registered
7 voters of the district and is filed with the clerk of the
8 governing body of the district. Upon verification by the clerk
9 that the petition contains the required number of signatures of
10 registered voters, the governing body shall adopt a resolution
11 calling an election on the question of allowing the sale,
12 service or consumption of beer and wine with meals on licensed
13 premises from noon until 10:00 p.m. on Christmas day. The
14 election shall be held within sixty days after the date the
15 petition is verified, or it may be held in conjunction with a
16 regular election of the governing body if that election occurs
17 within sixty days of such verification. The election shall be
18 called, conducted, counted and canvassed in substantially the
19 same manner as provided for general elections in the county
20 under the Election Code or for special municipal elections in a
21 municipality under the Municipal Election Code. If a majority
22 of the voters voting on the question votes against continuing
23 the sale, service or consumption of beer and wine with meals on
24 licensed premises from noon until 10:00 p.m. on Christmas day,
25 then such sales and consumption shall be prohibited. If a

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1 majority of the voters voting on the question votes to allow
2 continued sale, service and consumption of beer and wine with
3 meals on licensed premises from noon until 10:00 p. m. on
4 Christmas day, then such sales and consumption shall be allowed
5 to continue. The question then shall not be submitted again to
6 the voters within two years of the date of the last election on
7 the question.

8 I. Notwithstanding the provisions of Subsection F of
9 this section, any Indian tribe or pueblo whose lands are wholly
10 situated within the state that has, by statute, ordinance or
11 resolution, elected to permit the sale, possession or
12 consumption of alcoholic beverages on lands within the
13 territorial boundaries of the tribe or pueblo may, by statute,
14 ordinance or resolution of the governing body of the Indian
15 tribe or pueblo, permit Sunday sales by the drink on the
16 licensed premises of licensees on lands within the territorial
17 boundaries of the tribe or pueblo; provided that a certified
18 copy of such enactment is filed with the office of the director
19 and of the secretary of state.

20 J. Subject to the provisions of Subsection K of this
21 section, a dispenser or retailer, upon payment of an additional
22 fee of one hundred dollars (\$100), may obtain a permit to sell
23 alcoholic beverages in unbroken packages for consumption off the
24 licensed premises on Sundays from 12:00 noon until midnight, and
25 in those years when December 31 falls on a Sunday, from 12:00

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1 noon on December 31 until 2:00 a.m. of the following day. The
2 permit shall expire on June 30 of each year and may be renewed
3 from year to year upon application for renewal and payment of
4 the required fee. The permit fee shall not be prorated. Sales
5 made pursuant to the provisions of this subsection shall be
6 called "Sunday package sales".

7 K. If a petition requesting the governing body of a
8 local option district to call an election on the question of
9 continuing to allow sales of alcoholic beverages in unbroken
10 packages for consumption off the licensed premises on Sundays is
11 filed with the clerk of the governing body and that petition is
12 signed by at least ten percent of the number of registered
13 voters of the local option district and the clerk of the
14 governing body verifies the petition signatures, the governing
15 body shall adopt a resolution calling an election on the
16 question. The election shall be held within sixty days of the
17 date the petition is verified, or it may be held in conjunction
18 with a regular election of the governing body, if the regular
19 election occurs within sixty days of the petition verification.
20 The election shall be called, conducted, counted and canvassed
21 substantially in the manner provided by law for general
22 elections within a county or special municipal elections within
23 a municipality. If a majority of the voters of the local option
24 district voting in the election votes to allow the sale of
25 alcoholic beverages in unbroken packages for consumption off the

. 113095. 2

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1 licensed premises, then those sales shall continue to be
2 allowed. If a majority of the voters of the local option
3 district voting in the election votes not to allow the Sunday
4 package sales, then those Sunday package sales shall be
5 prohibited commencing the first Sunday after the results of the
6 election are certified. Following the election, the question of
7 allowing the Sunday package sales shall not be submitted again
8 to the voters within two years of the date of the last election
9 on the question. "

10 Section 2. EFFECTIVE DATE. -- The effective date of the
11 provisions of this act is July 1, 1997.

12 - 9 -

State of New Mexico
House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 6, 1997

Mr. Speaker:

Your BUSINESS AND INDUSTRY COMMITTEE, to whom has been referred

HOUSE BILL 17

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 1, line 13, after "ACT" insert "; PROVIDING FOR COMPENSATION".

2. On page 9, between lines 9 and 10, insert the following:

"Section 2. [NEW MATERIAL] COMPENSATION FOR MANDATORY DRIVE-UP WINDOW CLOSURE-- PROCESS. --

A. The governing body of a local option district shall prohibit sales or delivery of alcoholic beverages through a drive-

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HBIC/HB 17

Page 11

1
2 up window of a licensee if the majority of the registered
3 qualified electors in the local option district voting on the
4 question "Shall a retailer or dispenser be allowed to sell or
5 deliver alcoholic beverages at any time from a drive-up window?"
6 voted against allowing sales or deliveries of alcoholic beverages
7 from a drive-up window.

8 B. Any licensee claiming to be damaged due to the
9 closure of his drive-up window shall petition the governing body
10 of the local option district for a hearing to determine the loss
11 if any he has suffered as a direct result of the closure of the
12 drive-up window.

13 C. The local governing body shall appoint a hearing
14 officer to make a record of the damages claimed by the licensee
15 and comments from the general public in favor of or in opposition
16 to the claims of the licensee.

17
18 D. The governing body shall make a determination based
19 on the record regarding whether the evidence presented showed that
20 the licensee was damaged by the drive-up window closure.

21 E. Upon a finding by the governing body that the
22 licensee was damaged, and the damage was a direct result of the
23 mandatory closure of the licensee's drive-up window, the local
24 governing body and the licensee, or their representatives, shall
25 determine an equitable level of compensation due to the licensee.

 F. If no agreement can be reached through negotiation
between the parties or if a determination made by the governing

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HBIC/HB 17

Page 12

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2 body regarding whether the licensee was damaged by closure of the
3 drive-up window is challenged by the licensee, the parties shall
4 submit to mediation to determine a level of compensation due to
5 the licensee. The mediator shall be agreed upon and the costs of
6 the mediation shall be borne equally by both parties.

7 G. If mediation does not result in an agreement
8 regarding compensation due to the licensee, either party may
9 petition the district court in which the local option district is
10 located to determine an equitable level of compensation due to the
11 licensee. The court shall base its determination in part on the
12 record of the hearing held pursuant to the provisions of this
13 section and on the record of the determination made by the
14 governing body finding that compensation was or was not due to the
15 licensee. The court may hear additional testimony from the
16 parties to determine a compensation level.

17 H. The governing body of the local option district
18 shall be liable for payment of the full compensation to a licensee
19 determined pursuant to the provisions of this section."

20 3. Renumber the succeeding section accordingly. ,
21
22 and thence referred to the JUDICIARY COMMITTEE.

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

HBIC/HB 17

Page 13

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The roll call vote on Amendment #2 was 11 For 1 Against

Yes: 11
No: Chavez
Excused: Olguin
Absent: None

Respectfully submitted,

Fred Luna, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 12 For 0 Against

Yes: 12
Excused: Olguin
Absent: None

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State of New Mexico House of Representatives

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

February 17, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 17

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. Strike House Business and Industry amendments 1-3.
2. On page 4, line 21, strike "shall" and insert in lieu thereof "may".
3. On page 4, lines 22 through 23, strike "within ninety days of July, 1997" and insert in lieu thereof "on or before July 1, 1999,".

**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

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Respectfully submitted,

Thomas P. Foy, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 1 Against

Yes: 8

No: Foy

Excused: Luna, Rios, Sanchez, Stewart

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

Page 16

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 14, 1997

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

HOUSE BILL 17, as amended

has had it under consideration and reports same with recommendation that it DO PASS, and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

Shannon Robinson, Chairman

Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

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Date _____

The roll call vote was 5 For 3 Against

Yes: 5

No: Garcia, Ingle, Rodarte

Excused: Smith

Absent: None

H0017PA1

118940.1

FORTY-THIRD LEGISLATURE
FIRST SESSION

SF/HB 17, aa

Page 18

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 17, 1997

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 17, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
FINANCE COMMITTEE.

Respectfully submitted,

Fernando R. Macias, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

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FORTY-THIRD LEGISLATURE
FIRST SESSION

1 SFI/HB 17, aa

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3 Date _____

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The roll call vote was 7 For 0 Against

6

Yes: 7

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No: 0

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Excused: Stockard

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Absent: None

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FORTY-THIRD LEGISLATURE

FIRST SESSION

March 16, 1997

SENATE FLOOR AMENDMENT number _____ to HOUSE BILL 17, as amended

Amendment sponsored by Senator Manny M Aragon

1. Strike House Judiciary Committee Amendments 2 and 3.

2. On page 1, lines 11 and 12, strike "AUTHORIZING LOCAL
OPTION ELECTIONS REGARDING" and insert in lieu thereof
"PROHIBITING".

3. On page 1, line 12, after the semicolon insert "CREATING
COMPENSATING LICENSES;".

4. On page 1, line 13, strike "A SECTION" and insert in lieu
thereof "AND ENACTING SECTIONS".

5. On pages 1 through 9, strike Section 1 in its entirety and
insert in lieu thereof the following:

118940.1

FORTY-THIRD LEGISLATURE
FIRST SESSION

SF/ HB 17, aa

Page 21

"Section 1. A new section of the Liquor Control Act is enacted to read:

"[NEW MATERIAL] COMPENSATING LICENSES. --

A. Beginning January 1, 1998 the sale or delivery of alcoholic beverages through a drive-up window of a licensee is prohibited.

B. A licensee whose sales or deliveries of alcoholic beverages from his licensed premises prior to January 1, 1998 are conducted through his drive-up window may apply by July 1, 1998 to the director for a compensating license.

C. A compensating license:

(1) permits the licensee to sell alcoholic beverages in unbroken packages for consumption off premises except if issued to a hotel as provided in this section;

(2) may be reserved in the name of a licensee qualified to receive a compensating license for no longer than thirty-six months following the date that the licensee applies for the compensating license, but the compensating license shall be

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FORTY-THIRD LEGISLATURE
FIRST SESSION

SF/ HB 17, aa

Page 22

voided and shall not be issued to any person if no license application has been made identifying the proposed premises for which the compensating license will be used within that thirty-six month period;

(3) may be sold or transferred to a second owner or transferred to a new premises only one time after an application has been made to reserve the compensating license and may be located in any local option district in the state, notwithstanding the quota provisions of the Liquor Control Act;

(4) is subject to all administrative processes required by the Liquor Control Act to locate a new license in a local option district; and

(5) if issued or sold to a hotel, may be converted to a dispenser's license without the package sale privileges, but may not be transferred from the licensed premises for which the conversion was made.

D. The director shall not charge a license fee for a compensating license while it is held in reserve for a licensee. A license fee shall be due and payable by the new licensee when the license is sold or transferred to a new owner or when the

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FORTY-THIRD LEGISLATURE
FIRST SESSION

SF/ HB 17, aa

Page 23

licensee opens a licensed premises pursuant to the compensating license.

E. As used in this section, "compensating license" means a retailer's license or in some limited cases, a dispenser's license, that is reserved for or issued to a licensee by the department to compensate that licensee for the loss he may suffer when required to permanently close a drive-up window and cease selling or delivering alcoholic beverages through that drive-up window on January 1, 1998. "

Section 2. Section 60-6A-15 NMSA 1978 (being Laws 1981, Chapter 39, Section 32, as amended) is amended to read:

"60-6A-15. LICENSE FEES. -- Every application for the issuance or annual renewal of the following licenses shall be accompanied by a license fee in the following specified amounts:

A. manufacturer's license as a distiller, except a brandy manufacturer, three thousand dollars (\$3,000);

B. manufacturer's license as a brewer, three thousand dollars (\$3,000);

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FORTY-THIRD LEGISLATURE
FIRST SESSION

SF/HB 17, aa

Page 24

C. manufacturer's license as a rectifier, one thousand fifty dollars (\$1,050);

D. wholesaler's license to sell all alcoholic beverages for resale only, two thousand five hundred dollars (\$2,500);

E. wholesaler's license to sell spirituous liquors and wine for resale only, one thousand seven hundred fifty dollars (\$1,750);

F. wholesaler's license to sell spirituous liquors for resale only, one thousand five hundred dollars (\$1,500);

G. wholesaler's license to sell beer and wine for resale only, one thousand five hundred dollars (\$1,500);

H. wholesaler's license to sell beer for resale only, one thousand dollars (\$1,000);

I. wholesaler's license to sell wine for resale only, seven hundred fifty dollars (\$750);

J. retailer's license, one thousand two hundred fifty dollars (\$1,250);

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FORTY-THIRD LEGISLATURE
FIRST SESSION

SFI/HB 17, aa

Page 25

K. dispenser's license, one thousand two hundred fifty
dollars (\$1, 250);

L. canopy license, one thousand two hundred fifty
dollars (\$1, 250);

M restaurant license, one thousand dollars (\$1, 000);

N. club license, one thousand two hundred fifty dollars
(\$1, 250);

O. wine bottler's license to sell to wholesalers only,
five hundred dollars (\$500);

P. public service license, one thousand two hundred
fifty dollars (\$1, 250);

Q. nonresident licenses, for a total billing to New
Mexico wholesalers in excess of:

\$3, 000, 000 annually	\$3, 500;
1, 000, 000 annually	1, 750;
500, 000 annually	1, 250;
200, 000 annually	900;

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FORTY-THIRD LEGISLATURE
FIRST SESSION

SF/ HB 17, aa

Page 26

100,000 annually 600; and
50,000 or less annually 300;

R. wine wholesaler's license, for persons with sales of five thousand gallons of wine per year or less, twenty-five dollars (\$25.00), and for persons with sales in excess of five thousand gallons of wine per year, one hundred dollars (\$100);
[and]

S. beer bottler's license, two hundred dollars (\$200);
and

T. compensating license, one thousand two hundred fifty dollars (\$1,250). "".

6. Renumber the succeeding section accordingly.

FORTY-THIRD LEGISLATURE
FIRST SESSION

SF/HB 17, aa

Page 27

Manny M. Aragon

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

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FORTY-THIRD LEGISLATURE
FIRST SESSION

SF/HB 17, aa

Page 28

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

April 14, 1997

SENATE FLOOR AMENDMENT number _____ to HOUSE BILL 17

AMENDMENT sponsored by SENATOR VERNON

1. On page 9, between lines 9 and 10 insert:

"If any part or application of this act is held invalid, the remainder or its application to other situations or persons shall not be affected."

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FORTY-THIRD LEGISLATURE
FIRST SESSION

SF/HB 17, aa

Page 29

Senator L. Skip Vernon

Adopted _____ Not Adopted _____

(Chief Clerk)
(Chief Clerk)

Date _____

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FORTY-THIRD LEGISLATURE
FIRST SESSION

March 22, 1997

Mr. President:

Your CONFERENCE COMMITTEE, to whom has been referred

HOUSE BILL 17, as amended

has had it under consideration and reports same with the following
recommendations:

1. The following House Judiciary Committee amendments be

APPROVED:

Nos. 1, 2 and 3.

2. The following items of Senate Floor Amendment 1 be

APPROVED:

. 1193894.3

1
2 FORTY-THIRD LEGISLATURE
3 FIRST SESSION

4 CC/HB 17, aa

Page 31

5 Items 3 and 4.
6

7 3. The following items of Senate Floor Amendment 1 be
8 DISAPPROVED:

9
10 Items 1, 2, 5 and 6.
11

12 4. Senate Floor Amendment 2 be DISAPPROVED.

13 and that the bill be amended further as follows:
14

15 5. On page 9, between lines 9 and 10, insert the following
16 new sections:

17
18 "Section 2. A new section of the Liquor Control Act is
19 enacted to read:

20
21 "NEW MATERIAL COMPENSATING LICENSES. --

22
23 A. A licensee whose sales or deliveries of alcoholic
24 beverages from his licensed premises as of March 21, 1997 are

25 . 1193894.3

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1
2 FORTY-THIRD LEGISLATURE
3 FIRST SESSION
4

5 CC/HB 17, aa

Page 32

6 conducted through his drive-up window may apply to the director
7 for a compensating license within ninety days of the results of a
8 local option election that results in the prohibition of the sale
9 of alcoholic beverages from drive-up windows within the local
10 option district.

11 B. A licensee whose sales or deliveries of alcoholic
12 beverages from his licensed premises as of March 21, 1997 are
13 conducted through his drive-up window and who voluntarily closes
14 his drive-up window may apply to the director for a compensating
15 license on or before July 1, 1999.

16 C. A compensating license:

17
18 (1) permits the licensee to sell alcoholic
19 beverages in unbroken packages for consumption off premises;

20
21 (2) may be reserved in the name of a licensee
22 qualified to receive a compensating license for no longer than
23 thirty-six months following the date that the licensee applies for
24 the compensating license, but the compensating license shall be

1
2 FORTY-THIRD LEGISLATURE
3 FIRST SESSION
4

5 CC/HB 17, aa

Page 33

6 voided and shall not be issued to any person if no license
7 application has been made identifying the proposed premises for
8 which the compensating license will be used within that thirty-six
9 month period;

10
11 (3) may be sold or transferred to a second owner or
12 transferred to a new premises only one time after an application
13 has been made to reserve the compensating license and may be
14 located in any local option district in the state, notwithstanding
15 the quota provisions of the Liquor Control Act; and

16 (4) is subject to all administrative processes
17 required by the Liquor Control Act to locate a new license in a
18 local option district.

19
20 D. The director shall not charge a license fee for a
21 compensating license while it is held in reserve for a licensee.
22 A license fee shall be due and payable by the new licensee when
23 the license is sold or transferred to a new owner or when the
24 licensee opens a licensed premises pursuant to the compensating

1
2 FORTY-THIRD LEGISLATURE
3 FIRST SESSION

4 CC/HB 17, aa

Page 34

5 license.
6

7 E. As used in this section, "compensating license" means
8 a retailer's license that is reserved for or issued to a licensee
9 by the department to compensate that licensee for the loss he may
10 suffer as a result of a local option election that results in the
11 prohibition of the sale of alcoholic beverages from his drive-up
12 window in the local option district."

13 Section 3. Section 60-6A-15 NMSA 1978 (being Laws 1981,
14 Chapter 39, Section 32, as amended) is amended to read:

15
16 "60-6A-15. LICENSE FEES. --Every application for the issuance
17 or annual renewal of the following licenses shall be accompanied
18 by a license fee in the following specified amounts:

19
20 A. manufacturer's license as a distiller, except a
21 brandy manufacturer, three thousand dollars (\$3,000);

22
23 B. manufacturer's license as a brewer, three thousand
24 dollars (\$3,000);

1
2 FORTY-THIRD LEGISLATURE
3 FIRST SESSION

4 CC/HB 17, aa

Page 35

5 C. manufacturer's license as a rectifier, one thousand
6 fifty dollars (\$1,050);

7
8 D. wholesaler's license to sell all alcoholic beverages
9 for resale only, two thousand five hundred dollars (\$2,500);

10
11 E. wholesaler's license to sell spirituous liquors and
12 wine for resale only, one thousand seven hundred fifty dollars
13 (\$1,750);

14
15 F. wholesaler's license to sell spirituous liquors for
16 resale only, one thousand five hundred dollars (\$1,500);

17
18 G. wholesaler's license to sell beer and wine for resale
19 only, one thousand five hundred dollars (\$1,500);

20
21 H. wholesaler's license to sell beer for resale only,
22 one thousand dollars (\$1,000);

23
24 I. wholesaler's license to sell wine for resale only,
25 seven hundred fifty dollars (\$750);

. 1193890.3

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1
2 FORTY-THIRD LEGISLATURE
3 FIRST SESSION
4

5 CC/HB 17, aa

Page 36

6 J. retailer's license, one thousand two hundred fifty
7 dollars (\$1,250);

8 K. dispenser's license, one thousand two hundred fifty
9 dollars (\$1,250);

10 L. canopy license, one thousand two hundred fifty
11 dollars (\$1,250);

12 M. restaurant license, one thousand dollars (\$1,000);

13 N. club license, one thousand two hundred fifty dollars
14 (\$1,250);

15 O. wine bottler's license to sell to wholesalers only,
16 five hundred dollars (\$500);

17 P. public service license, one thousand two hundred
18 fifty dollars (\$1,250);

19 Q. nonresident licenses, for a total billing to New
20 York State of \$1,250,000;
21
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1
2 FORTY-THIRD LEGISLATURE
3 FIRST SESSION

4 CC/HB 17, aa

Page 37

5 Mexico wholesalers in excess of:

6

7 \$3,000,000 annually	\$3,500;
8 1,000,000 annually	1,750;
9 500,000 annually	1,250;
10 200,000 annually	900;
11 100,000 annually	600; and
12 50,000 or less annually	300;

13
14 R. wine wholesaler's license, for persons with sales of
15 five thousand gallons of wine per year or less, twenty-five
16 dollars (\$25.00), and for persons with sales in excess of five
17 thousand gallons of wine per year, one hundred dollars (\$100);

18 [and]

19 S. beer bottler's license, two hundred dollars (\$200);

20 and

21
22 T. compensating license, one thousand two hundred fifty
23 dollars (\$1,250). "

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1
2 FORTY-THIRD LEGISLATURE
3 FIRST SESSION

4 CC/HB 17, aa

Page 38

5 Section 4. SEVERABILITY. --If any part or application of this
6 act is held invalid, the remainder or its application to other
7 situations or persons shall not be affected."

8
9 6. Renumber the succeeding section accordingly.

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1
2 FORTY-THIRD LEGISLATURE
3 FIRST SESSION

4 CC/HB 17, aa

Page 39

5
6
7 Adopted _____ Not Adopted _____

8 (Chief Clerk)

(Chief Clerk)

9
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11
12 Date _____

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